

**ZONING BOARD OF ADJUSTMENT
MINUTES**

DECEMBER 1, 2008

Meeting was called to order at 7: 10 P.M.

Meeting properly advertised according to the New Jersey State Sunshine Law.

Roll call: Attending: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Absent: Mr. Lankry

Also present: Glenn Harrison, Attorney
Jim Priolo, Engineer/Planner
Ed Mack, Zoning Officer
Jackie Wahler, Court Stenographer
Fran Siegel, Secretary

Salute to the flag.

Motion to approve the minutes of November 3, 2008 with a waiver to read – Mr. Lazzaro
Second – Ms. Goralski

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Mr. Harrison asked that **Appeal # 3680, Ian Goldman** be carried to the January meeting.
The applicant and their objector have appraisals. He ordered an independent appraisal but
it wasn't ready for this meeting.

Motion to carry to the January 5th meeting – Mr. Gelley

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal # 3687 – Aryeh Katzman, 101 Harrison Place, Block 289 Lot 9, R-12 zone.
Enclose existing concrete patio for living quarters in the front yard
setback.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - October 15, 2008

1. The subject property is located on Harrison Place with frontage on Sunset Road also and is within the R-12 (Single-Family Residential) Zone. The existing site contains a one-story single-family dwelling, shed and inground pool. The applicant proposes to construct a one-story addition to the front of the dwelling.
2. In accordance with Section 902.E of the Ordinance, bulk variances will be required for the construction of the proposed addition as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	12,000 s.f.	10,920 s.f.	10,920 s.f.
Minimum Lot Width	90 ft.	54 ft.	54 ft.
Minimum Front Yard Setback	30 ft.	30 ft.	14.67 ft.
Minimum Side Setback (One)	10 ft.	8 ft.	8 ft.
Minimum Side Setback (Combined)	25 ft.	22 ft.	22 ft.

The zoning schedule should be revised to include the rear deck in the lot coverage.

The applicant must demonstrate to the Board that the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

3. Any approval should include a condition that all curb and sidewalk shall be replaced as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Aryeh Katzman, 101 Harrison Place, affirmed. It is not possible to extend back because there is a septic and an inground pool in the back. They cannot afford a second story addition. He consulted with his neighbors and they have no objections. They have a two bedroom house and are expecting their 3rd child. They are not doing it for luxury but for basic living space. There are only 3 houses on the block. The one to his left faces Central Avenue and the one to his right faces Caranetta Drive.

Mr. Priolo - This addition would be in line with the house on his right.

Mr. Katzman – currently there is 2 steps to the front door. The addition will be exactly in line with the existing house.

Open to Public.

Moshe Kraushar, 503 Caranetta Drive, affirmed. In favor of this application.

Closed to Public.

Motion to approve a 14.8 front setback as per plans– Mr. Zaks

Second – Mr. Naftali

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal # 3690 – Mechael Thau, Locust Street & Vermont Avenue, Block 1081, Lots 10.01-10.14, R-20/12 zone. Use variance for townhouses.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - November 13, 2008

1. The subject property is located on the corner of Locust Street and Vermont Avenue and is within the R-20/12 (Single-Family Cluster Residential) Zone. The existing site is 7.5 acres in size and contains a single-family dwelling. The applicant is proposing a townhouse development that will be comprised of twelve (12) townhouse structures containing sixty (60) dwelling units, along with a clubhouse.
2. In accordance with Section 902 C. of the Ordinance, townhouses are not a permitted use in the R-20/12 Zone. Therefore, special reasons variances will be required as follows:
 - a. **To permit a use in a district restricted against such use.** The proposed townhouse use is not a permitted use within the R-20/12 Zone. The only permitted residential use in this Zone is single-family detached.

- b. **To allow an increase in permitted maximum gross density.** The applicant is proposing 60 attached units in seven buildings and a density of 8 units/acre. Therefore, a density variance is required since this exceeds the permitted R-20/12 density of 3.63 units/acre. This proposed density does however match the density requirement for townhouses of 8 townhouses/acre as defined in Section 900 H. Therefore if the Board permits the townhouse use, the applicant is not theoretically asking for an increase in density for this townhouse development.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (townhouse use) with the associated density. In order to achieve this, the applicant should explain why the townhouse use is a better planning and zoning alternative than the traditional single-family residential concept.

3. The surrounding neighborhood along Locust Street, generally between Route 70, New Hampshire Avenue and the Toms River Border, is populated with higher density type development which makes this project particularly suitable for this area. Several of these developments contain densities of up to 16 units/acre. Considering the past existing development along Locust Street, this proposal fits in more with the surrounding area than a traditional single-family development.
The Board recently approved a use variance for a 48 unit townhouse project on adjacent Lots 12 & 13 under Appeal No. 3675.
4. In accordance with Section 803 E., a minimum 30 ft. buffer will be required during the site plan phase along the southern and western property lines. It appears the applicant has conceptually provided this buffer in the variance plan and the same should be carried over to any site plan application.
5. If the Board approves the use variance, a traffic impact analysis should be provided during the site plan phase to insure no negative impacts will result from the development of this project.
6. The required parking should be revised to reflect the correct requirement of 2.4/unit and 144 spaces. With the corrections, the applicant is still meeting the parking requirements.
7. Any approval should be subject to preliminary and final site plan and subdivision approval should the applicant decide to create fee simple lots.

From: Ed Mack, Zoning Officer

I think that a true clustering pattern in this development would be a better design and leave more useable space than this typical townhouse development.

Abraham Penzer represented applicant.

Brian Flannery, engineer, sworn.

A-1 rendered version of the variance map

A-2 aerial view of project site

Board accepted qualifications.

Mr. Flannery – requesting a use variance for townhouse use in an R-20 zone. Asking for 60 townhouse units which complies with the townhouse density allowed. This layout will not be the one presented because they have met with the neighbors and will revise the plans to accommodate their requests. They are asking for use only to permit the townhouse use.

Mr. Flannery reviewed Mr. Priolo's report.

Mr. Flannery – to the south of this project is conforming single family homes. They will increase that area with a 50 foot buffer and an 8 foot fence. The neighbors are concerned and they will meet with them to review the site plan prior to coming back to the board.

Mr. Penzer - The board granted a use variance for the 48 unit townhouse project next door.

Mr. Flannery – this project mirrors the one recently approved by this Board. They will provide detailed engineering, traffic study and details on the buffer at site plan.

Mr. Priolo – this is similar to the adjacent project. All along Locust Street there is a mix of multi-family townhouse and this fits in along the corridor. The buffers should be increased to 50 feet or maybe more along the single family homes.

Mr. Mack – suggested clustering because it leaves more green area.

Mr. Halberstam – not approving a unit count only the use.

Ms. Goralski – not convinced that this project fits.

Open to Public.

Elliot Lynn, 15 Salvatore Drive, sworn. Asked that they maintain a reasonable level of privacy with larger buffers.

Michael Robinson, 9 Salvatore Drive, sworn. There is a risk that we are overbuilding. We should wait and not build any more now.

Doug Robinson, 9 Salvatore Drive, sworn. Concerned about the increase in the population density and traffic concerns in this area.

Linda Robinson, 9 Salvatore Drive, sworn. This area should be kept single family zoning. Single family homes would blend in much better.

Craig Hegedus, 13 Salvatore Drive, sworn. Willing to work with the board and the engineer to make this project better for the community. Asked for a meeting at least 2 weeks in advance before site plan to work with the developer.

Gerri Ballwanz, 208 Governors Road, sworn. Townhouses do not belong here, that is not transition. This is not in the right planning for Lakewood. The townhouses will degrade the value of the single family homes.

Don Johansen, Harrogate, executive Director, sworn. There have been changes all the way up and down Locust Street. Their chief concern is keeping the trees and as much green as possible. The developer has agreed to the buffer on Vermont Avenue. There are 400 seniors at Harrogate.

Closed to Public.

Mr. Penzer – they will work with the neighbors with site issues like, garbage, buffers etc. They will meet with the neighbors four weeks prior to the meeting for site plan.

Mr. Gonzalez – an R-12 Cluster would really be a transition. Do not see this as beneficial to the area.

Motion to approve with a 4 week notice to the neighbors to review the site plan – Mr. Gelley

Second – Mr. Lazzaro

Roll call vote: affirmative: Mr. Gelley, Mr. Lazzaro, Mr. Naftali, Mr. Zaks,
Mr. Halberstam

Nays: Mr. Gonzalez, Ms. Goralski

Mr. Mack – there is a property at 305 Main Street, they have tried to rent the upstairs as an office and have not been able to and they would like to go back to residential. Unless somebody has an objection he will allow them to do it.

Mr. Halberstam – I have no objections.

Mr. Lankry – every building has an apartment on top.

Mr. Zaks –are we approving this as correspondence?

Mr. Mack – I have a letter. Will have something for you next month just so they can get started on it.

Appeal # 3689 - Frances Frankel, 1007 Park Avenue, Block 227 Lot 11, R-10 zone. To construct a single family home on an undersized lot.

Secretary read reports.

From: Jim Priolo, Engineer/Planner - November 25, 2008

1. The subject property is located on Park Avenue and is within the R-10 (Single-Family Residential) Zone. The existing site contains a single-family dwelling. The applicant proposes to construct a new 2-1/2-story dwelling with a potential basement apartment. All existing structures will be removed.
2. In accordance with Section 902.F of the Ordinance, bulk variances will be required for the construction of the proposed dwelling as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area	12,000 s.f.	6,084.43 s.f.	6,084.43 s.f.
Minimum Lot Width	75 ft.	53.42 ft.	53.42 ft.
Minimum Side Yard (One)	10 ft.	3.5 ft.	9.67 ft.
Minimum Side Yard (Both)	25 ft.	17.5 ft.	20 ft.
Maximum Building Coverage	25%	±19%	28.8%

The applicant must demonstrate to the Board that the requested variances can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance.

The applicant should address the Board regarding the visual impact that the dwelling will have on the surrounding properties.

3. In accordance with Section 807.A. and the Residential Site Improvement Standards, a minimum of 5 parking spaces are required for the single-family and potential apartment use, whereas only 3 spaces are provided. The applicant should discuss how the lack of off-street parking will be addressed.

4. The applicant should comply with the Township Ordinance regulating basement apartments.
5. The architectural plans indicate an attic level. The applicant should discuss the proposed use of the attic level.
6. The stairs for the rear of the dwelling shown on the plot plan do not match the stairs on the architectural plans.
7. Any approval should include a condition that curb and sidewalk shall be constructed as directed by the Township Engineer.

From: Ed Mack, Zoning Officer

I have no objections to this application

Miriam Weinstein represented applicant.

Mrs. Weinstein - This application is for demolition on the existing house and to construct a new single family home on an undersized lot. The applicant made an effort to purchase or sell to adjoining neighbors.

A-1 and A-2 Letters for buy/sell

Mrs. Weinstein – The new home will be a great improvement over the dilapidated home presently on the property. Agreed to 5 parking spaces.

Mr. Mack – does the board want grass or blacktop?

Mr. Spitz, Forest Avenue, affirmed. On-street parking is available.

Open to Public. Closed to Public.

Motion to approve subject of the approval of the engineer to determine the amount of parking spaces needed – Mr. Zaks

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Appeal #3609AA – Somerset Vine, Vine Street & Pine Street. Block 778.02, 779, 780, 781, Lots 21, 1 & 2, 1 & 2, 1, A-1 and R-10 zone. 14 two family dwellings.

Secretary read reports.

From: Jim Priolo, Engineer/Planner – November 25, 2008

1. The subject property is located on the corner of Pine Street and Vine Avenue and is within the A-1 (Agricultural) Zone. The site contains an existing single-family dwelling. The applicant is proposing an eighteen (18) lot subdivision, fourteen (14) two-family lots, one (1) recreation lot and three (3) open space lots. Eleven (11) of the residential lots will have frontage on a cul-de-sac and three (3) lots will have frontage on Pine Street. The existing dwelling will be razed.
2. The applicant previously received approval from the Zoning Board of Adjustment under Appeal No. 3609 for special use (non-permitted use & density) and bulk variances for the proposed major subdivision and under Appeal No. 3609A they received Preliminary & Final Major Subdivision

approval. The applicant is back before the Board to seek Amended Preliminary & Final Major Subdivision approval.

Amended Preliminary & Final Major Subdivision approval is required because the applicant is requesting a deviation from the Resolution of Approval (Appeal No. 3609A) which stated that the duplex dwelling units shall be constructed in the up and down style and the applicant would like to propose some of the units as side by side style.

3. The proposed lot layout has been revised since the original approvals. The following bulk variances for the dimensional relief are required:

	<u>Required A-1</u>	<u>Proposed</u>
Minimum Lot Area	20,000 s.f.	5,539.48 s.f.
Minimum Lot Width	200 ft.	10.95 ft.
Minimum Front Setback	50 ft.	10.95 ft.
Minimum Rear Setback	20 ft.	14.13 ft.
Side Setback (One)	15 ft.	6.17 ft.
Side Setback (Combined)	40 ft.	15 ft.
Maximum Building Coverage	20%	32.93%

4. It should be noted that the application is contingent upon the vacation of Houston Street, Hyman Place and a portion of Rosefield Street. The applicant has stated that they will apply for the right-of-way vacations once they receive Preliminary Major Subdivision approval.
5. The following comments should be addressed with regards to the architectural plans:
- a. The side-by-side unit is approximately 51.33 feet wide with the bay window on the side, the building footprint should be updated on the plans. This will affect the setbacks for Lots 21.02 - 21.06 and 21.09-21.13.
 - b. The applicant should discuss if any patios/decks will be proposed for the side-by-side units, approximately half of the units are on lots that do not have enough rear yard space for a patio or deck.
 - c. The architectural plans for the up-and-down units indicate a rear porch entrance for the upper level and a side entrance for the lower level, whereas the parking is proposed in the front of the dwelling.
 - d. The architectural plans for the up-and-down units indicate a rear porch/carport which does not correspond with the plans.
6. The following comments should be addressed with regards to the Site Plan:
- a. A minimum of five (5) parking spaces are required for Lots 21.14 and 21.15, whereas only four (4) parking spaces are provided. There are additional off-street parking spaces located by the recreation area, but they are not located at a practical location for Lots 21.14 and 21.15.
 - b. Fencing and/or landscaping should be provided along the rear property lines of Lots 21.01, 21.02, 21.03, 21.04, 21.14 and 21.15.
7. The following comments should be addressed with regards to the Grading & Drainage Plan and stormwater management:
- a. No roof drains are shown for Lot 21.08.

- b. Additional spot elevations at the driveway corners should be provided for Lot 21.08.
 - c. Additional building corner elevations should be provided.
 - d. A stormwater management maintenance plan must be submitted for review.
 - e. The applicant should discuss if the HOA will be responsible for the maintenance of the smaller infiltration basins located underneath the driveways.
 - f. The applicant should discuss how the infiltration basins located on the individual lots will be accessed for inspection and maintenance.
8. The following comments should be addressed with regards to the Landscaping & Tree Protection Plan:
- a. Fences or evergreen trees should be provided between Lots 21.01, 21.02 and 21.05.
 - b. Additional landscaping should be provided along the Pine Street frontage of Lots 21.01, 21.02, 21.03, 21.14 and 21.15.
9. The applicant should be prepared to provide testimony at the public hearing on the Traffic Impact Analysis prepared for this project.
10. The following comments should be addressed with regards to the Map Filing Law and Major Subdivision Plat:
- a. A note must be added to the plan indicating that the lot, block, and street addresses have been assigned by the Lakewood Township Tax Assessor's office.
 - b. The lot areas should match the areas provided on the site plan.
11. Descriptions of all proposed drainage utility, access and sight triangle easements must be submitted to the Board Attorney for review and subsequent filing in the office of the Ocean County Clerk.
12. Any approval should include a condition that a Homeowners Association in accordance with Section 1010B.9 of the ordinance be established for the maintenance of the drainage systems and recreation area. The applicant shall submit a copy of the Homeowners Association Agreement to the Board Attorney for review.
13. Ocean County Planning Board approval must be indicated on the plan.
14. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
15. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

I have no objections to this application.

Shlomie Klein, attorney for applicant. The applicant had final approval for the subdivision. They are now making some modifications to the plan. The approval was for two family homes up and down. They would now like to have 11 of the 14 two-family homes be side by side.

Ralphael Zucker, 52 Cabinfield Circle, affirmed. The market is not for two family homes one on top of the other. The new architecture keeps the appearance of single family homes. The plan has been reconfigured to what the market is and what the people are looking for. There were 14 lots and each one was a two family one up and one down.

There is still 14 lots. They have just adjusted lot lines. There were no engineering changes.

Michael Dipple, Englewood, NJ, engineer, sworn. They are not changing the road. The drainage will be the same with some minor modifications to the proposed detention basins. The homes got a little wider and that caused them to change some of the lot lines. There is still 14 lots and 28 units. Utilities are identical. Sewer & water is still out to Pine Street. Reviewed Mr. Priolo's report. They will provide a stormwater management plan. There will be a homeowners association for maintenance on the detention basins.

A-1 rendering of the proposal

Mr. Priolo – was satisfied with the drainage proposal.

Mr. Zucker – we are not finishing the basements and there will not even be outside entrances.

Ms. Goralski - The resolution we passed says “shall have no basements”.

Mr. Zucker – the board was concerned that there would be a 3rd level, which could have been a 3 family structure. These units are smaller, they are 2,400 square foot homes.

Mr. Harrison - Any applicant has the right to amend any resolution.

Mr. Zucker - The density here is 2.9 units per acre.

Open to public.

Gerri Ballwanz, Governors Road, sworn. Concerned about an error in the zone, it is an A-1 zone. There is a discrepancy in the amount of acres. Concerned about the basements. The resolution should state that there will be no basement apartments allowed.

Nicholas Graviano – after the street vacations the property is 9.57 acres. The zone is A-1 and R-10.

Closed to Public.

Mr. Gonzalez – do not believe that we should restrict the basement. The new ordinance allows basement apartments.

Mr. Zaks – we should not be saying that you cannot have basements.

Mr. Zucker – not asking to add a basement on the up and down units. Those units have a slab on grade. The lower floor is one family and the upper floors will be the second family- the lower level is about 1,600 – 1,700 square feet and the upper level is about 3600 square feet.

Motion to approve – Mr. Zaks

Second – Mr. Gelley

Roll call vote: affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Resolution

Appeal # 3688 – Lakewood Township MUA, 390 New Hampshire Avenue, Block 1160 Lot 269, M-1 zone. Resolution to approve a use variance to construct a new 600,000 gallon elevated water storage tank.

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Motion to approve – Mr. Gonzalez

Second –

Roll call vote: affirmative: Mr. Gonzalez, Mr. Gelley, Mr. Naftali, Mr. Lazzaro,
Mr. Zaks, Ms. Goralski, Mr. Halberstam

Motion to pay bills.

All in favor.

Motion to adjourn.

All in favor.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary

